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Name of applicant, assignee or
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Nilay S. Dalal
Signature

Our Case No. 10000-209
(Client Reference No. PA-5383-RFB)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

James D. Foushee, et. al.

Serial No.: 10/719,764

Examiner: Kevin T. Truong

Filed: 11-21-2003

Group Art Unit: 3734

For: Loop Tip Wire Guide

INTERVIEW SUMMARY

Dear Sir:

The Applicant appreciates the Examiner granting the undersigned attorney a telephone interview held on December 27, 2007. During the course of this interview, the finality of the office action issued on October 30, 2007 was discussed.

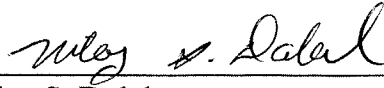
Furthermore, during this interview it was agreed that the finality was premature and the Examiner has agreed to issue a new, non-final action. For the Examiner's convenience, applicants submit herewith a copy of the claim listing and arguments that were filed with the RCE submitted on July 13, 2007.

12-27-2007

Date

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Nilay S. Dalal', is written over a horizontal line.

Nilay S. Dalal

Registration No. 56,069

Attorney for Applicants

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RESPONSE AND AMENDMENT

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of May 16, 2007, please enter the following amendment and consider the following remarks:

IN THE CLAIMS:

This listing of claims replaces all prior versions and listings of claims in the application. Insertions are shown by underlining and deletions are shown by either a strike-through or double brackets. Please amend the claims according to the following listing of the claims.

1. (Currently Amended) A wire guide, comprising:
an elongate member having a first portion with a first diameter and a second portion with a second diameter smaller than the first diameter, the elongate member defining a loop;
and
a closure member closing the loop, wherein the closure member is fixedly connected to the elongate member at a plurality of spaced apart locations, further wherein the plurality of locations are disposed adjacent to each other to form the loop.
2. (Original) The wire guide of claim 1, further comprising a covering positioned over at least part of the first portion and the closure member.
3. (Withdrawn) The wire guide of claim 1, wherein the second portion defines the loop.
4. (Withdrawn) The wire guide of claim 1, wherein the second portion defines only a portion of the loop.
5. (Original) The wire guide of claim 1, wherein the loop has a loop width that is greater than the first diameter.
6. (Original) The method of claim 1, wherein the elongate member has an intermediate portion between the first portion and the second portion; and wherein the intermediate portion defines a taper from the first portion to the second portion.

7. (Original) The wire guide of claim 6, wherein the elongate member has a distal end; and wherein the loop places the distal end adjacent the intermediate portion.
8. (Withdrawn) The wire guide of claim 1, wherein the elongate member has a distal end; and wherein the loop places the distal end adjacent the second portion.
9. (Original) The wire guide of claim 1, wherein the second portion defines a portion of the loop.
10. (Original) The wire guide of claim 1, wherein the closure member comprises a cannula.
11. (Withdrawn) The wire guide of claim 1, wherein the closure member comprises a bond.
12. (Withdrawn) The wire guide of claim 11, wherein the bond comprises a solder bond.
13. (Withdrawn) The wire guide of claim 11, wherein the bond comprises a welded bond.
14. (Withdrawn) The wire guide of claim 11, wherein the bond comprise a molded bond.
15. (Withdrawn) The wire guide of claim 11, wherein the bond comprises an adhesive bond.
16. (Withdrawn) The wire guide of claim 11, wherein the bond comprises a coil.

17. (Withdrawn) The wire guide of claim 11, wherein the bond is formed using laser cutting techniques.
18. (Withdrawn) The wire guide of claim 1, further comprising a covering on a portion of the elongate member.
19. (Original) The wire guide of claim 1, further comprising a radiopaque marker on the elongate member.
20. (Original) The wire guide of claim 1, further comprising a radiopaque marker on the closure member.
21. (Previously Presented) The wire guide of claim 1, wherein the loop has a constant length as measured along a perimeter of the loop.
22. (Previously Presented) The wire guide of claim 1, wherein the elongate member has an intermediate portion between the first portion and the second portion, the elongate member being substantially disposed about the intermediate portion of the elongate member to define the loop.
23. (Previously Presented) The wire guide of claim 22, wherein the closure member is fixedly connected to both a distal end and the intermediate portion of the elongate member.
24. (Previously Presented) The wire guide of claim 1, wherein the elongate member has an intermediate portion between the first portion and the second portion, a distal end of the elongate member being substantially disposed adjacent to the intermediate portion of the elongate member to define the loop.

REMARKS

This is a response to the Office Action dated May 16, 2007. The Examiner has rejected claims 1, 2, 5-7, 9, 10, and 19-24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,868,754 ("Levine"). The rejections from the Office Action dated May 16, 2007 are discussed below. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

The Examiner rejected claims 1, 2, 5-7, 9, 10, and 19-24 under 35 U.S.C. § 102(b) as being anticipated by Levine. The rejection is respectively traversed.

Independent claim 1 is directed to a wire guide comprising an elongate member defining a loop. Claim 1 requires a "closure member closing the loop, wherein the closure member is fixedly connected to the elongate member at a plurality of spaced apart locations." The "plurality of spaced apart locations" are further defined as being "disposed adjacent to each other to form the loop." In other words, the closure member engages the elongate member at a plurality of spaced apart locations which are disposed adjacent to each other so as to form the loop and close the loop. As set forth in the specification, the closure member 24 actually brings the two ends of the elongate member 12 together such that a loop 22 is formed and closed. Col. 2, ¶ 27. The coil 112 of Levine as shown in Figure 3 does not engage the core wire 102 at a plurality of spaced apart locations which are disposed adjacent to each other to form and close the loop 104. Rather, the coil 112 of Levine engages the loop 104 at only a *single* location, as shown in Figure 3 such that the coil 112 of Levine *does not close and form the loop* 104 as required by claim 1. In fact, Levine discloses a loop 104 that is formed without the coil 112. Levine, Col. 4, ll. 18-24. The coil 112 merely contacts the base of the loop 104 at a single location. The coil 112 ties auxiliary fibers 110 onto the core wire 112. Levine, Col. 3, ll. 44-48. Accordingly, Levine fails to teach each and every limitation of amended claim 1.

Moreover, the device disclosed in Levine is a snare—not a wire guide. The snare in operation retrieves a vaso-occlusive coil by intertwining the fibrous filaments 508 with the vaso-occlusive coil 504. Levine, Col. 6, ll. 12-56, Figs. 5A-5D.

Accordingly, for the reasons described above, Applicants respectfully submit that independent claim 1 is allowable. Likewise, claims 2, 5-7, 9, 10, and 19-24 which are dependent from claim 1 are also allowable. Applicants therefore request that the Examiner withdraw this rejection of these claims.

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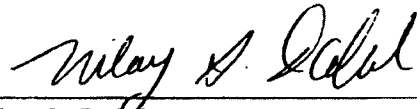
CONCLUSION

The rejections in the Office Action dated May 16, 2007 have been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

07-13-2007

Date



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